

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4)
5) **CASE CLOSURES UNDER**
6) **ENFORCEMENT PRIORITY SYSTEM**
7)

8 **SENSITIVE**

9 **GENERAL COUNSEL'S REPORT**

10
11 **I. INTRODUCTION**

12 The cases listed below have been evaluated under the Enforcement Priority System
13 ("EPS") and identified as either low priority, stale, subject to the media exemption, or
14 cases previously reviewed by the ADR Office. This report recommends that the Commission
15 no longer pursue the cases cited in section II for the reasons discussed below.

16 **II. CASES RECOMMENDED FOR CLOSURE**

17 **A. Cases Not Warranting Further Action Relative to Other Cases**
18 **Pending Before the Commission**
19

20 EPS was created to identify pending cases that, due to the length of their pendency in
21 inactive status or the lower priority of the issues raised in the matters relative to others
22 presently pending before the Commission, do not warrant further expenditures of resources.
23 Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-
24 approved criteria that result in a numerical rating for each case.
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23-04-406-1929

1 We have identified six cases that do not warrant further action relative to other
2 pending matters. This Office recommends that all six cases be closed.¹ Attachment 1 to this
3 report contains a factual summary of each case recommended for closure, the case EPS
4 rating, and the factors leading to the assignment of a low priority.

5 **B. Stale Cases**

6 Effective enforcement relies upon the timely pursuit of complaints and referrals to
7 ensure compliance with the law. Investigations concerning activity more remote in time
8 usually require a greater commitment of resources primarily because the evidence of such
9 activity becomes more difficult to develop as it ages. Focusing investigative efforts on more
10 recent and more significant activity also has a more positive effect on the electoral process
11 and the regulated community. EPS provides us with the means to identify those cases that,
12 though earning a higher numerical rating, remain unassigned for a significant period due to a
13 lack of staff resources for an effective investigation. The utility of commencing an
14 investigation declines as these types of cases age, until they reach a point when activation of
15 such cases would not be an efficient use of the Commission's resources.

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18 We have identified one case that has remained on the Central Enforcement Docket for
19 a sufficient period of time to render it stale. This Office recommends that it be closed.²

¹ The cases recommended for closure are: P-MUR 409 (*Boone National Bank*); MUR 5273 (*Rocky Flash for U.S. Congress*); MUR 5282 (*Meehan for Congress*); MUR 5302 (*Friends of Irvin*); and MUR 5313 (*MI Democratic State Cntrl Cmte*). The ADR Office previously reviewed MURs 5273, 5282, 5302, and 5313 for potential inclusion in the ADR program, but decided to return them to this Office.

² The case recommended for closure is MUR 5252 (*Taxpayers for Better Government*).

2013-04-04 10:52

1 Attachment 2 to this report contains a summary and the EPS rating for the stale case
2 recommended for closure.

3 **C. Cases Returned to Enforcement**

4 The ADR Office previously reviewed cases for potential inclusion in the
5 ADR program, but decided to return them to this Office prior to the initiation of the new
6 ADR procedures for recommended case closures.³ Attachment 3 to this report contains a
7 summary and the EPS rating
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15 **III. RECOMMENDATIONS**

16 OGC recommends that the Commission exercise its prosecutorial discretion and close
17 the cases listed below effective two weeks from the date the Commission votes on the
18 recommendations. Closing these cases as of this date will allow CED and the Legal Review
19 Team the necessary time to prepare closing letters and case files for the public record.
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³ The two cases recommended for closure are MUR 5286 (*Porter for Congress*)

EST-904-40-52

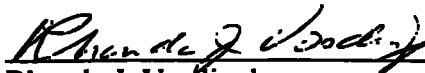
1 Take no action, close the file effective two weeks from the date of the Commission
2 vote, and approve the appropriate letters in:

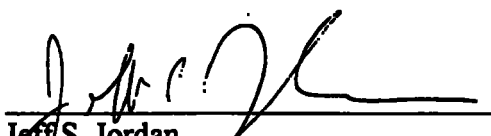
- 3
- | | | |
|--------------|-------------|-------------|
| 1. P-MUR 409 | 2. MUR 5252 | 3. |
| 4. MUR 5273 | 5. MUR 5282 | 6. MUR 5286 |
| 7. | 8. MUR 5302 | 9. |
| 10. MUR 5313 | | |

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Lawrence H. Norton
General Counsel

7/24/03
Date

BY: 
Rhonda J. Vosdingh
Associate General Counsel for Enforcement


Jeff S. Jordan
Supervisory Attorney, CED

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5 **MUR 5286**

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7 **Complainant: Pamela L. Egan**
8

9 **Respondents: Michael Ashe**

10 D. Michael Ballard
11 James Barret
12 Maureen Barrett
13 Barry W. Becker
14 Travis Brady
15 Laura Brady
16 Ileana Brailsford
17 Richard Bowler
18 Raj Chanderaj
19 Linda Chow
20 Monika Czerwinski
21 Donald Ellis
22 T.A. Ghrist
23 Porter for Congress
24 Chrissie Hastie, Treasurer
25 Ronald Hill
26 M. Wayne Hogue
27 Samuel Huang
28 Stanley Hyduke
29 Corey Jenkins
30 Dan Laird
31 William Laub
32 James K. Longley
33 James V. Longley
34 Ingrid Michelson
35 Steffani Paulk
36 Ryan Paulk
37 Barbara Paulk
38 Wanda Lamb Peccole
39 Donna Perez
40 Jon Porter, Sr.
41 Kimberly Becker Riggs
42 George Rosenbaum
43 Stephen Schmidt
44 Charlotte Seger
45 Dan Stewart
46 Lisa Sutton
47 Lisa Williams
48 Mordechai Yerushalmi

WEST-904-10-37

1 **Allegations:** Pamela L. Egan, Executive Director of the Nevada State Democratic Party,
2 alleged that Porter for Congress accepted, during the 2002 April Quarterly reporting
3 period, \$37,650 in excessive contributions, and failed to reattribute, redesignate or return
4 the excessive amounts within the 60-day grace period.

5
6 **Responses:** In response to the complaint, Richard Bowler asserted that he made a \$2,000
7 contribution to Porter for Congress on March 29, 2002. \$1,000 was for the primary
8 election and \$1,000 was for the general election.

9
10 Maureen and James Barrett responded that on March 25, 2002, they each
11 contributed \$2,000 to Porter for Congress to be allocated as \$1,000 each for the primary
12 election and \$1,000 each for the general election. Both respondents, shortly after making
13 the contributions, received a form from Porter for Congress requesting that they either
14 reallocate or redesignate their contributions. On April 24, 2002, the respondents
15 completed the form by redesignating \$1,000 each to the primary and general elections.

16
17 Porter for Congress responded on its own behalf as well as the other respondents.
18 Porter for Congress admitted that the contributions at issue were received, but asserted
19 that they were reattributed or redesignated correctly within the 60-day period. Porter for
20 Congress attached to its response copies of all applicable signed reattribution and
21 redesignation forms indicating that the contributions did not exceed the applicable limits.

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23 This case was temporarily transferred to the ADR Office on December 6, 2002,
24 and returned on December 31, 2002, as inappropriate for ADR.

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26 This matter is less significant relative to other matters pending before the
27 Commission.
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